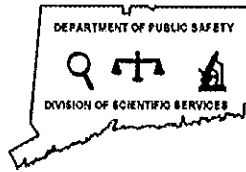


STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

*John A. Danaher III
Commissioner*

*Lieutenant Edwin S. Henlon
Chief of Staff*

March 3, 2010

Rep. Antonio Guerrero, Co-Chairman
Sen. Donald J. DeFronzo, Co-Chairman
Transportation Committee
Legislative Office Building
Hartford, CT 06106

HB 5384 AN ACT PROHIBITING OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES

The Department of Public Safety supports this bill.

This bill would ban open containers of alcohol in the passenger area of a motor vehicle. It would serve to strengthen the State of Connecticut's comprehensive driving under the influence prevention efforts. It would reduce the number of alcohol-related fatal crashes on Connecticut roadways.

The Department of Public Safety believes that a prohibition on open containers in the passenger area of motor vehicles would have a positive effect on traffic safety and traffic law enforcement efforts statewide. The State of Connecticut has made measurable strides in recent years in reducing alcohol-related fatalities on Connecticut highways and the agency believes that this proposed legislation would be a significant step in furthering these efforts.

Alcohol involvement remains the leading factor in motor vehicle deaths in the United States. It is estimated that nationwide, forty percent of all fatal crashes involve a drinking driver. The Connecticut rate in this regard is higher than both the national and regional (New England) average. Although Connecticut has seen a reduction in this rate in recent years, there remains work to be done to ensure that the decline in alcohol-related fatalities continues. An open container law will assist law enforcement in achieving this goal.

Open container laws separate the consumption of alcohol from the operation of a vehicle and decrease the likelihood that drinking and driving will occur. Studies have shown that open container laws deter both moderate and heavy drinkers from driving under the influence. States that have adopted an open container law have witnessed a 5.1 percent decrease in fatal crashes and experienced a decline in fatal hit-and-run crashes as well. In Connecticut, such a decrease would result in the saving of approximately 6 lives each year. Clearly, the

opportunity to save lives on Connecticut roadways is an opportunity that should not be missed.

In addition to adult drinkers, there are indications that underage youth exhibit a preference for drinking in vehicles. The danger associated with underage drinking and driving is compounded by a tendency to consume all of the alcoholic beverage available (because usually it cannot be stored). Other factors, including a lack of driving experience and skill, exacerbate this problem. The state has taken several steps in recent years to reduce underage drinking and we view this proposed bill as a significant element in sending the message that underage drinking will not be tolerated. The message that mixing alcohol with the critical task of driving is not acceptable should be unequivocal and that requires banning open containers.

The proposed bill would also assist law enforcement in its efforts to curb DUI incidents within the state. Under the current law, only a driver is prohibited from consuming alcohol in a vehicle, and efforts to identify drivers that may be consuming alcoholic beverages can easily be thwarted when an operator observes a police officer and passes the alcoholic beverage to a passenger within the vehicle. An open container law would preclude this tactic, as it would ban all vehicle occupants from possessing an open container of alcohol within the vehicle.

The federal government, in recognizing the inherent traffic safety benefits of open container laws, has enacted a program to encourage states to adopt laws that prohibit the possession and consumption of alcoholic beverages in the passenger areas of a motor vehicle (23 USC 154). If a state does not achieve compliance with the federal program requirements, a portion of that state's federal-aid highway construction funds is redirected to the state's Section 402 appropriation. These transferred funds may only be used for alcohol-impaired countermeasures, enforcement of drunk driving laws or the state's hazard elimination program under Section 152. Currently the percentage of transferred funds is 3 percent of the state's annual apportionment and this represents millions of dollars of funding that could be used for highway construction as originally intended if the state were to enact a federally compliant open container law.

In conclusion, the Department of Public Safety believes that an Open Container law would serve to enhance traffic safety within the state and would allow for the continued advancement of the state's focused efforts to reduce the incidents of DUI and DUI-related injuries and fatalities.

Sincerely,



John A. Danaher III
COMMISSIONER